



Austin City Council MINUTES

SEPTEMBER 2, 1993 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all members.

1. Approval of Minutes for Regular Meeting of August 26, 1993 and Special Meetings of August 25, and 26, 1993.
On Councilmember Shea's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Goodman and Mayor Pro Tem Urdy out of the room.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. George Phifer, to discuss retiree's health benefits and proposed increase.
3. Ms. Tonya Slovacek, to discuss the St. Johns neighborhood center.
4. Mr. Ira Calkins, to discuss the commission of crimes and the omission of crimes in Austin.
5. Mr. Henry Ratliff, to discuss the "Barton Creek Development Agreement is illegal."
6. Mr. Neal Tuttrup, to discuss the Development Agreement.
7. Ms. Charlene Shillman, to discuss "Wipe out Monopolies."
8. Mr. Paul Garlinghouse, to urge Council and citizens to reject the Barton Creek PUD as proposed to Planning Commission, and to get the City staff to stop giving waivers and exemptions to Freeport Properties.
9. Mr. Leonard Lyons, to discuss "Budget Budget: Who cares as long as the citizens will pay." Was not present to talk.

BOARD AND COMMISSION REPORTS

10. AUSTIN EMERGENCY MEDICAL SERVICES (EMS) QUALITY ASSURANCE TEAM - Dr. Roy Leamon, Chair - Report was given by Dr. Leamon.

ORDINANCES

Jimmy Clay Golf Course Expansion (Items 11-13)

11. Amend Ordinance No. 920922-A, the approved 1992-93 Capital Budget for the Parks and Recreation Department to increase the appropriation of the Capital Improvements Project for expansion of the Jimmy Clay Golf Course from \$2,215,000 to \$5,188,242. (Funding in the amount of \$2,973,242 will be provided from Certificates of Obligation to be issued during FY 1993-94.)
On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Reynolds out of the room.

14. Amend Part I(b) of Ordinance No. 930701-A by revising the classifications for all City of Austin Police Officers by reclassifying seven (7) Police Officers to Senior Sergeant positions; the total number of positions authorized is 917. (Funding in the amount of \$10,502 is available in the 1992-93 operating budget of the Police Department; funding for the seven (7) Senior Sergeant positions has been included in the proposed 1993-94 operating budget of the Police Department.)
On Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.

RESOLUTIONS

12. Express the City Council's official intent to reimburse a portion of the costs of funding to award the contract for construction of an 18 hole golf course at Jimmy Clay Golf Course out of future certificates of obligation. (Funding in the amount of \$161,774 is available in the 1992-93 Golf Fund Capital Budget; funding for the remaining \$2,973,242 will be provided by the issuance of Certificates of Obligation during FY 1993-94.)
On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Reynolds out of the room.

13. Approve execution of a construction contract award to GOLF WORKS, INC., Austin, Texas, for expansion of the Jimmy Clay Golf Course, in the amount of \$3,135,016. [Funding was included in the 1992-93 amended Capital Improvement Project (Jimmy Clay Expansion) for the Golf Fund of the Parks and Recreation Department.] Low bid of eight (8). 4.85% MBE, 1.78% WBE Subcontractor participation. (Reviewed by Environmental Board and Planning Commission.)
Postpone to September 9, 1993, and "more actively seek out minority contractors". On Councilmember Shea's motion, Councilmember Goodman's second, 6-0 Vote, Councilmember Reynolds out of the room.

15. Authorize application for and acceptance of grant funds in the amount of \$200,000 from the U.S. Justice Department, Bureau of Justice Assistance, for the design, demonstration and assessment of

a comprehensive, department-wide community policing prototype for the period beginning October 1, 1993 through September 30, 1994. (A City match is not required.)

16. Approve the vacation of a private joint use and access easement for the Crossroads South Subdivision, located at Riverside Drive and Pleasant Valley Road. (No fiscal impact.)
17. Approve a HOME Reconstruction Loan to Mr. and Mrs. Damiana Garcia for reconstruction of a one-story single family dwelling located at 1202 East 2nd Street, in an amount not to exceed \$41,000. (Funding is available in HOME Year 1 Grant funds budgeted in the Special Revenue Fund of the Department of Planning and Development.) [Recommended by Housing Subcommittee]
18. Approve a HOME Reconstruction Loan to Mr. Valdomero Cruz for reconstruction of a one-story single-family dwelling located at 1000 Vargas Road, in an amount not to exceed \$41,000. (Funding is available in HOME Year 1 Grant funds budgeted in the Special Revenue Fund of the Department of Planning and Development.) [Recommended by Housing Subcommittee]
19. Approve a HOME Reconstruction Loan to Mr. Trine Aguilar for reconstruction of a one-story single-family dwelling located at 2303 E. 8th Street, in an amount not to exceed \$41,000. (Funding is available in HOME Year 1 Grant Funds budgeted in the Special Revenue Fund of the Department of Planning and Development Department.) [Recommended by Housing Subcommittee]
20. Authorize negotiation and execution of an Interlocal Agreement with North Austin Municipal Utility District No. 1 for replacement and rerouting of a City wastewater force main extending approximately 3,188 feet from a point near the intersection of McNeil Road and Parmer Lane to a point near the intersection of Parmer Lane and Huntsville Drive. (Funding in the amount of \$250,000 was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission.]
21. Authorize negotiation and execution of an Interlocal Agreement with Southwest Travis County Municipal Utility District for wholesale wastewater service. (City's cost for construction of a connecting wastewater line is \$64,000 - to be offset by an estimated annual revenue of \$250,000.) [Recommended by Water and Wastewater Commission on September 1, 1993.] 4-0-0-2
22. Authorize negotiation and execution of an Interlocal Agreement with Southwest Travis County MUD NO. 1 for temporary out-of-district utility service to a 70 acre subdivision known as Oconomowoc East. (The District will collect and remit monthly wastewater revenues to the City. At full buildout, monthly revenues are estimated to be

\$2,100, or \$25,800 annually.) [Recommended by Water and Wastewater Commission.]

23. Approve an Interlocal Agreement between the City of Austin and Southwest Travis County MUD No. 1 for industrial waste services whereby the City's Water and Wastewater Utility would perform inspections, sampling and lab analyses, issue permits, enforcement support, etc. for the District. (The District will pay the City for services rendered on a time, materials and overhead basis. All expenses to be fully offset by additional revenues.) [Recommended by Water and Wastewater Commission on September 1, 1993.] 4-0-0-2
24. Authorize negotiation and execution of an Interlocal Agreement with Southwest Travis County Municipal Utility District No. 1 for acquisition of the District's interest in a 16 inch water line in Brodie Lane, and resolution of issues concerning removal of the District's pump station and pressure reducing valve, and outstanding water billings owed to the City. (City's cost for acquisition of the Brodie Lane Water Line is \$167,550 - funding to be included in the 1993-94 and 1994-95 operating budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission on September 1, 1993.] 4-0-0-2
#15-24 on Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.
25. Approve a construction contract award to REDDICO CONSTRUCTION CO., INC., Leander, Texas, for construction of dechlorination facilities at Govalle Wastewater Treatment Plant, in the amount of \$658,983.33. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Department.) Low bid of five (5). 5.01% MBE, 1.44% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)
Postponed to September 9, 1993 and "more actively seek out minority contractors". On Councilmember Shea's motion, Councilmember Goodman's second, 6-0 Vote, Councilmember Reynolds out of the room.
26. Approve execution of a twelve (12) month supply agreement with JONES CHEMICALS, INC., Houston, Texas, for the purchase of approximately 230 tons of liquid sulfur dioxide which is used as a dechlorination agent in the wastewater treatment process, in an amount not to exceed \$96,370, with two (2) twelve (12) month extension options, in an amount not to exceed \$96,370 per extension, for a total amount not to exceed \$289,110. (Funding in the amount of \$8,030.33 is available in the 1992-93 operating budget of the Water and Wastewater Utility; funding for the final eleven (11) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission.)

27. Approve the transfer of 25% ownership of Time Warner Company to U.S. West pursuant to the franchise agreement with the City of Austin. (No fiscal impact.) [Recommended by City Council Committee for Cable Television on August 31, 1993] 3-0.

Brackenridge Hospital (Items 28-33)

28. Ratify an emergency construction contract to ANDERSON WRECKING AND EXCAVATING COMPANY, Omaha, Nebraska, for asbestos abatement and demolition of the old Nursing School, located on the Brackenridge Hospital campus, in an amount not to exceed \$341,000. (Funding is available in the 1992-93 Disproportionate Share Fund of Brackenridge Hospital.) Low bid of three (3). 10% MBE, 5% WBE Subcontractor participation. (Recommended by Hospital Board)
29. Authorize a construction contract award to ABSOLUTE DEMOLITION, Cedar Park, Texas, for the installation of cable for patient monitoring equipment at Brackenridge Hospital, in an amount not to exceed \$165,354. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Low bid of two (2). 16.12% MBE, .12% WBE Subcontractor participation.
30. Approve execution of a twelve (12) month supply agreement with STUART MEDICAL, INC., Greensburg, Pennsylvania, for spinal implants and instrumentation, in an amount not to exceed \$368,721, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$368,721 per extension, for a total amount not to exceed \$1,106,163. (Funding in the amount of \$30,726.75 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final eleven (11) months of the original contract and the extension options is contingent upon availability of funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Hospital board)
31. Approve execution of a twelve (12) month supply agreement with GENERAL MEDICAL CORPORATION, Austin, Texas, for urological trays for Brackenridge Hospital, in an amount not to exceed \$120,313.63, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$120,313.63 per extension, for a total amount not to exceed \$360,940.89. (Funding in the amount of \$10,026.73 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final eleven (11) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of five (5). No M/WBE Subcontracting opportunities were identified.
32. Approve execution of a twelve (12) month supply agreement with GENERAL MEDICAL CORPORATION, Austin, Texas, for disposable diapers

for use in the Nursery and pediatric units of Brackenridge Hospital, in an amount not to exceed \$58,880.76, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$58,880.76 per extension, for a total amount not to exceed \$176,642.28. (Funding in the amount of \$4,906.73 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final eleven (11) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of five (5). No M/WBE Subcontracting opportunities were identified.

33. Approve negotiation and execution of a contract award with MARQUETTE ELECTRONICS, INC., Milwaukee, Wisconsin, for the purchase of an electrocardiogram (ECG) management system (computer hardware, nine electrocardiographic systems and software) for use by the Cardiology Department of Brackenridge Hospital, in an amount not to exceed \$176,889, including installation and a one (1) year warranty, with options to extend maintenance thereafter for up to five (5) additional twelve (12) month periods, in amounts not to exceed \$9,708, \$10,248, \$10,752, \$11,292 and \$11,856 respectively, for a total amount not to exceed \$230,745. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the extension options is contingent upon availability of funding in future budgets.) Best offer of three (3). No M/WBE Subcontracting opportunities were identified.
34. Approve negotiation and execution of a twelve (12) month contract with MIDDLE EARTH INC., Austin, Texas, for the provision of social services to youth and their families, in an amount not to exceed \$278,000, with the option to extend thereafter for an additional four (4) months, in the amount of \$92,667, for a total contract not to exceed \$370,667. (Funding is available in the 1992-93 Social Services Budget of the Health and Human Services Department; funding for the final four-month extension is contingent upon availability of funding in future budgets.) Best proposal of five (5). 0% MBE, 4.75% WBE Subcontractor participation. (Recommended by Community Action Network)
35. Approve negotiation and execution of three (3) service agreements for the provision of early childhood and youth social services: 1) a one (1) month contract with CHILD INC., in an amount not to exceed \$47,876, with one (1) fifteen (15) month extension option, in an amount not to exceed \$166,147, for a total contract amount not to exceed \$214,023; 2) a four (4) month contract with AUSTIN-TRAVIS COUNTY YOUTH SERVICES, in an amount not to exceed \$14,465, with one (1) twelve (12) month extension option, in an amount not to exceed \$43,394, for a total contract amount not to exceed \$57,859; and 3) a four (4) month contract with TEENAGE PARENT COUNCIL, in an amount not to exceed \$7,548 with one (1) twelve (12) month extension option, in an amount not to exceed \$222,643, for a total contract

amount not to exceed \$30,191. (Funding in the amount of \$69,889 is available in the 1992-93 Social Services Budget of the Health and Human Services Department; funding for the extension options is contingent upon availability of funding in future budgets.) Best proposals of twenty-six (26). No M/WBE Subcontracting opportunities were identified. (Recommended by Community Action Network)

36. Approve ratification of a contract with REED-STOWE & CO., Austin, Texas, which provided additional services of attendance and assistance during the negotiation phase of the Southern Union Gas rate setting process, in the amount of \$7,389.51, increasing the total contract from \$34,000 to \$41,389.51. (Funding is available in the 1992-93 operating budget for Finance and Administrative Services Department, Office of Regulatory Affairs. This amount to be reimbursed by Southern Union Gas in accordance with the Public Utility Regulatory Act.)
37. Approve the execution of a twelve (12) month contract with ORACLE CORPORATION, Houston, Texas, for the purchase of maintenance and a continuing licensing of fifteen (15) database management software products for use by the Water and Wastewater Utility laboratory analysis and to monitor flow rates at the water treatment plants, in an amount not to exceed \$54,560. (Funding is available in the 1992-93 operating budget of the Water and Wastewater Utility.) Sole Source. No M/WBE Subcontracting opportunities were identified.
38. Approve the purchase of twelve (12) months of intercity long distance voice telephone services through the State Purchasing General Services Commission's contract, in an estimated amount of \$77,000, with one (1) additional twelve (12) month extension option, in an estimated amount of \$77,000, for a total contract amount of \$154,000. (Funding in the amount of \$6,416.67 is available in the 1992-93 operating budget for the Information Systems Department; funding for the remaining eleven (11) months of the original contract period and the extension option is contingent upon availability of funding in future budgets.)
39. Approve execution of a twelve (12) month supply agreement with GULF COAST PAPER COMPANY, Austin, Texas, for purchase of janitorial supplies for use by the Water and Wastewater and Electric Departments, in an amount not to exceed \$42,354.90, with one (1) twelve (12) month extension option, in an amount not to exceed \$42,354.90, for a total amount not to exceed \$84,709.80. (Funding in the amount of \$3,529.57 is available in the 1992-93 operating budget of the Water and Wastewater and Electric Departments.) Low bid on certain line items of twenty (20) received. No M/WBE Subcontracting opportunities were identified.
40. Approve execution of a contract with HAVERFIELD INC., Miami, Florida, for the emergency purchase of electric transmission line

insulator washing services for approximately 300 structures on the 345 KV transmission line from Fayette Power Plant to the Austrop Substation, in the amount of \$51,400. (Funding is available in the 1992-93 operating budget for the Electric Utility.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

¶26-40 on Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.

41. Amend the Personnel Policies to accommodate the requirements of the Federal Family and Medical Leave Act (FMLA) of 1993, and make other changes in the Leave Policies. (No fiscal impact.) [Related to Item 42]

On Councilmember Garcia's motion, Councilmember Shea's second, 7-0 Vote, approved City Manager's recommendation. 7-0 Vote.

42. Discuss and provide direction regarding the extension of benefits to the domestic partners of City employees. [Related to Item 41] Councilmember Shea made a motion, seconded by Councilmember Goodman to direct the City Manager to include in City policy the extension of benefits to the domestic partners of City employees. 5-2 Vote, Mayor Pro Tem Urdy and Councilmember Reynolds voted No.

43. Set a public hearing to discuss the feasibility of creating a Hospital Authority. (Suggested date and time: September 9, 1993 at 3:00 p.m.)

ITEMS FROM COUNCIL

44. Approve a Resolution expressing the City Council's support for the activities of the Waterloo Benevolent Society. (Councilmembers Jackie Goodman and Gus Garcia, and Mayor Bruce Todd)

¶43-44 on Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.

73. Receive and discuss a report from the Council Committee for Cable television on Access Television programming. (Councilmembers Ronney Reynolds and Michael "Max" Nofziger)
Discussion, no motion.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

45. C14-93-0078 - WAUKESHA-PEARCE INDUSTRIES, INC. (Jim Adian), by Gray Engineering, Inc. (John Jansing), 16029 IH-35 North. From SF-2 to CS. Planning Commission Recommendation: To grant CS-C0, limiting retail uses to 0.105 to 1 FAR or a maximum of 13,269 sq. ft.
Ordinance

46. C14-93-0081 - DAVIS SPRING PROPERTIES (Fred G. Eppright), by Huffcut and Associates, Inc. (Lauretta Dowd), West Parmer Lane and Neenah Avenue. From NO to MF-3. Planning Commission Recommendation: To grant MF-3-CO, limiting density to 24 units per acre.
Ordinance
47. C14-93-0082 - DAVIS SPRING PROPERTIES (Fred Eppright), by Huffcut and Associates (Lauretta Dowd), West Parmer Lane and Neenah Avenue. From LR to MF-3. Planning Commission Recommendation: To grant MF-3-CO, limiting density to 24 units per acre.
Ordinance
48. C14-93-0086 - BARRY KENDRICK, by Holford Group (Charles Dunn), 7111 IH-35 South. From SF-2 to LI. Planning Commission Recommendation: To grant CS-CO, limiting development for General Retail (general) to 20,200 sq. ft. and prohibiting the following uses: Restaurants (limited, general, and fast food), food sales, service stations, and financial services.
Ordinance
49. C14-93-0087 - NATIONWIDE DEVELOPMENT CO. (Sue Jones), by Andy's Liquor (Andy Koester), 12407 North MoPac Expressway, Suite 275. From GR to CS-1. Planning Commission Recommendation: To grant CS-1.
Ordinance
50. C14-93-0091 - W. M. INVESTMENTS #4-SPECTRUM CENTER (Tim Wiley), by Common Interest, Inc. (Mack McKinley), 8440 Burnet Road, Suite 146. From CS, CS-1 to CS-1 and CS. Planning Commission Recommendation: To grant CS-1 for Tract 1, CS for Tract 2
Postponed to September 16, 1993.
51. C14-93-0092 - TEXAS PHARMACEUTICAL ASSOCIATION (Paul Davis), by Page Southerland Page (Jim Alvis), 1624 East Anderson Lane. From SF-3 to LO. Planning Commission Recommendation: To grant LO.
Approve FIRST READING subject to reservation of 150 feet of right-of-way from future centerline of Highway 183.
52. C14-93-0093 - BALCONES LITTLE LEAGUE, INC., by Department of Planning and Development, 3106 Adelphi Lane. From GR-CO to SF-6. Planning Commission Recommendation: To grant SF-6.
Ordinance
53. C14-93-0094 - SLUMBERLAND MEMORIAL PARK, Martha Rieger, et al, (Frank Scofield), by Strasburger and Price, IH-35 North and Dessau Road. From SF-2, IP to CS-1 and GR. Planning Commission Recommendation: To grant CS-1-CO for Tract 1 and GR-CO for Tract 2 limiting floor-to-area ratios to the following: 1) 0.045 to 1.0 FAR (or 13,269 sq. ft.) for General Retail Sales (general and convenience); 2) 0.0108 to 1.0 FAR (or 3,613 sq. ft.) for Restaurant

Motion

The Council, on Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, denied the appeal. Applicant said there will be security on-site for six months. 6-0-1 Vote, Councilmember Goodman abstained.

64. 5:00 P.M. - Appeal by Ms. Leota Kay Biggs, of the Planning Commission's decision to approve a conditional use permit for a community recreation facility in LA - Lake Austin Residence zoning district, at 2407 Manana St.

Motion

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, closed the public hearing. 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

Motion

The Council, on Councilmember Garcia's motion, Councilmember Goodman's second, DENIED the appeal. 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

65. 5:30 P.M. - Consider closure of a segment of the 1600 block of Matthews Lane. (Councilmember Brigid Shea)

Motion

The Council, on Councilmember Shea's motion, Councilmember Garcia's second, closed the public hearing and "wait for staff report after negotiating with the railroad". 6-0 Vote, Mayor Pro Tem Urdy out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

Contemplated Litigation - Section 551.071

66. Discuss potential litigation regarding fire fighter seniority.

Advice from Counsel - Section 551.071

67. Discussion regarding the designation of the Central Business District for the purposes of filing a petition with the Texas Alcoholic Beverage Commission under Section 109.35 of the Texas Alcoholic Beverage Code prohibiting both the possession of open containers and the public consumption of alcoholic beverages.

72. Pending Litigation - Section 551.071

Discuss the status of Cause No. 93-04858, Maple Run at Austin Municipal Utility District v. City of Austin.

RECESS - Council recessed from 6:15 to 6:30 P.M. for executive session.

ACTION ON THE FOLLOWING

68. Approve a resolution designating the Central Business District of the City of Austin under Section 109.35 of the Texas Alcoholic Beverage Code for the purpose of petitioning the Texas Alcoholic Beverage Commission for an order prohibiting both the possession of open containers and the public consumption of alcoholic beverages in said District.
69. Approve a resolution authorizing the filing of a petition requesting the Texas Alcoholic Beverage Commission to issue an order under Section 109.35 of the Texas Alcoholic Beverage Code prohibiting the possession of open containers and the public consumption of alcoholic beverages in the Central Business District of the City of Austin.
70. Approve an ordinance amending Chapter 8, Section 8-3-9 of the Code of Ordinances of 1992, prohibiting public consumption of alcoholic beverages by amending Area 1 to delete the Central Business District.

#68-70 were pulled off the agenda.

71. APPOINTMENTS

The following appointments were made on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

Airport Advisory Board, Daniel Akins; Building and Fire Code Board of Appeals, Alan Schuman; Community Development Commission, Dwight Christopher, Hilbert Maldonado and Joe Munoz; MHRM - Public Responsibility, Bettie Storey; Minority and Women Owned Business Procurement Board, Eric Mitchell; Renaissance Market Commission, Marjorie Nader; Resource Management Commission, Beverly Tucker; Solicitation Board, George More and Richard Resnik; Solid Waste Advisory Board, Anita Sadun; Water and Wastewater Commission, Lonetta Cooper and Connie Moore.

ADJOURN - The meeting was adjourned at 11:45 P.M. on Councilmember Shea's motion, Councilmember Goodman's second, 7-0 Vote.

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